



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Mr. Sam R. Hassen
Dr. William P. Brown
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
for Community Development
Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlautt, Planning Administrator,
Development Review Section, Planning Department

Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Lisa J. Caudill, Secretary, Administration
Section, Planning Department
Ms. Erica G. Hess, Secretary, Administration
Section, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. John W. Harmon, Manager, Right of Way,
Utilities
Lieutenant Frank X. Nause III,
Fire Marshal #4, Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration
Ms. Mary Ann Curtin, Director,
Intergovernmental Relations

ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Hassen, Brown, Waller and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Brown, seconded by Mr. Bass, the Commission amended the agenda to add new item, Item X., comments from Mr. Bass; add new Item XI., Planning Commission Initiated Amendment to the Upper Swift Creek Plan Amendment; and renumber Item X. to XII.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of April, May, June and July 2008.

III. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p. m. Public Meeting and Hearing.

IV. WORK PROGRAM – REVIEW AND UPDATE.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the April 2008 Work Program as presented.

V. PLANNING TOPICS – SMART GROWTH.

Mr. Larson made a presentation and led a brief discussion related to the topic of Smart Growth.

VI. SUMMARY OF 2008 GENERAL ASSEMBLY LEGISLATIVE INFORMATION/ACTIONS.

Ms. Curtin provided an update on recent General Assembly legislative information of interest to the county.

VII. PROPOSED CODE AMENDMENT RELATIVE TO INCLUSION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVIEW FOR PROCESSING OF SUBDIVISION PLATS AND SITE PLANS.

Mr. Robinson presented information concerning the Code Amendment related to the Virginia Department of Transportation (VDOT) review for the processing of Subdivision Plans and Site Plans necessitated by recent legislative acts.

VIII. PUBLIC FACILITIES PLAN.

The draft Public Facilities Plan was presented to the Commission. The Commission questioned various aspects of the Plan and directed staff to make some changes to the document. The Commission then set a work session on the Plan for April 15, 2008 and a public hearing for May 20, 2008.

IX. PROPOSED PLANNING DEPARTMENT FEE ADJUSTMENTS.

Mr. Larson presented information related to the proposed Planning Department Fee Adjustments. After a brief discussion, the Planning Commission set a public hearing to consider the Proposed Planning Department Fee Adjustments for April 15, 2008.

IV. RECESS.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission recessed at 2:45 p. m.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

3:00 P. M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

I REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

II. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated the next order of business was consideration of the November 20, 2007 and February 19, 2008, Planning Commission Minutes.

- **NOVEMBER 20, 2007, PLANNING COMMISSION MINUTES.**

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to approve the November 20, 2007, Planning Commission Minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

- **FEBRUARY 19, 2008, PLANNING COMMISSION MINUTES.**

On motion of Mr. Brown, seconded by Mr. Bass, the Commission resolved to approve the February 19, 2008, Planning Commission Minutes, as written.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

III. CONSIDERATION OF THE FOLLOWING REQUESTS:

- ♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

08PR0294: In Matoaca Magisterial District, **CROWNE PARTNERS, INC.** requested landscape plan approval in accordance with case 87SN0134. This development is commonly known as **LEC APARTMENTS PHASE II**. This request lies in a Corporate Office (O-2) District on two (2) parcels totaling 29.4 acres lying approximately 400 feet off the south line of Craig Rath Boulevard. Tax ID 732-674 Part of 0132 and 733-674-Part of 0884.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission approved this request subject to the following condition:

CONDITION:

1. If site lighting is proposed at a later date, final landscape plans, including exterior lighting locations, shall be provided for administrative review and approval. Proposed landscaping and lighting locations shall be coordinated to prevent plant material at mature sizes from interfering with light fixtures.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

IV. RECESS.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Hassen, that the Commission adjourned the Work Session at 3:05 p. m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:00 p. m. for dinner.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

6:30 P. M. PUBLIC MEETING AND HEARING

Mr. Gulley, Chairman, called the meeting to order at 6:30 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. DISTRIBUTION OF "REQUEST ANALYSES AND RECOMMENDATIONS."

II. INVOCATION.

Mr. Sam Hassen presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Ms. Carrie Coyner led the Pledge of Allegiance to the Flag.

IV. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

VI. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and code amendments.

VII. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.

There were no citizens' comments on unscheduled matters at this time.

VIII. REQUEST FOR WITHDRAWAL.

07SN0146: (Amended) In Midlothian Magisterial District, **WINTERVEST, LLC** withdrew a request for a Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 07SN0146.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

IX. REQUESTS FOR DEFERRAL BY APPLICANT.

08PD0295: In Matoaca Magisterial District, **RICHMOND 20MHZ, LLC** requested deferral to May 20, 2008, for consideration of Substantial Accord Determination and amendment of zoning district map to permit a communications tower in a Light Industrial (I-1) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 3.2 acres located in the southeast quadrant of the intersection of Commonwealth Centre and Brad McNeer Parkways. Tax IDs 736-675-7199; 736-676-4308 and 6214.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 08PD0295 to the May 20, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer Case 08PD0295 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

06SN0313: In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to the regularly scheduled March 2009 Public Hearing for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Ms. Constance Lauck, the applicant's representative, requested deferral of Case 06SN0313 to the March 2009 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0313 to the March 2009 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0134: (Amended) In Bermuda Magisterial District, **SECOND FORTUNE, LLC** requested deferral to September 16, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

No one was present to represent the request.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0134 to the September 16, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0385: In Matoaca Magisterial District, **FIRST COMMONWEALTH SERVICES** requested deferral to May 20, 2008, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 8.2 acres fronting approximately 270 feet on the east line of Winterpock Road north of Springfield Parkway; also fronting approximately 170 feet on the west line of Summercreek Drive across from Summercreek Place. Tax ID 722-661-8707.

Ms. Kristen Keatley, the applicant's representative, requested deferral to the May 20, 2008, Planning Commission public hearing.

Mr. Stuart Daniel, President of the Summerford Homeowner's Association, and Mr. Jerry McCracken, an area property owner came forward and agreed to the deferral request.

There being no one else to speak, Mr. Gulley closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 07SN0385 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07PD0248: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to May 20, 2008, for consideration of Substantial Accord Determination and amendment of zoning district map to permit an expansion of the proposed Providence Park site. This request lies in an Agricultural (A) District on 10.0 acres fronting approximately 1,560 feet on the south line of Powhite Parkway at the western termini of Academy Drive. Tax ID 743-693-5361.

Mr. Mike Golden, the applicant's representative, requested deferral to the May 20, 2008, Planning Commission public hearing in order to meet with citizens.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer Case 07PD0248 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0105: In Clover Hill Magisterial District, **STYLECRAFT HOMES DEVELOPMENT CORP.** requested deferral to May 20, 2008, for consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789.

Mr. Bass declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting.

Mr. Larry Horton, the applicant's representative, requested deferral to the May 20, 2008, Planning Commission public hearing in order to meet with citizens.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to defer Case 08SN0105 to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Hassen, Brown and Waller.

ABSENT: Mr. Bass.

Mr. Bass returned to the meeting.

X. REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.

07SN0206: (Amended) In Matoaca Magisterial District, **GBS HOLDING LTD** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Turner indicated that Mr. Bass requested that the Commission defer this case to the May meeting.

Mr. Casey Sowers, the applicant's representative, did not accept the request for deferral of Case 07SN0206 by Mr. Bass, noting that this was a simple case and there was support from adjacent property owners.

Mr. Hugh Woodle, the subject property owner, came forward in opposition to the deferral.

Ms. Donna Woods, and Ms. Betty Williams, area property owners, came forward in opposition to the deferral, stating that all issues of concern had been addressed and the case was ready for Commission action.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Bass stated that due to the pending Amendment to the *Upper Swift Creek Plan Amendment* being revised, this case should be deferred to May 2008.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0206, to the May 20, 2008, Planning Commission public meeting.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0223: (Amended) In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 211 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,183.9 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Mr. Turner indicated that Mr. Bass was requesting that the Commission defer this case to the May meeting.

Mr. Dave Anderson, the applicant's representative, did not accept the request to defer by Mr. Bass, noting that the case had been remanded by the Board of Supervisors, and felt that the issues had been addressed and the case was ready for the Commission's action.

Mr. Will Shewmake, Ms. Andrea Epps, a resident of Brandermill, Ms. Amy Satterfield, representative of the Midlothian Village Volunteer Coalition, and Dr. Betty Hunter-Clapp, Mr. Karl Bren, with the Residential Green Builder Program, Mr. Andy Scherzer, a neighbor, Mr. Jay Laufler, and Ms. Carrie Coyner all came forward and spoke in opposition to the deferral request.

Mr. Dick Guthrey, representative for Hands Across the Lake, and Dr. Mike Harton, a resident of Midlothian all came forward and spoke in support to the deferral.

Mr. Casey Sowers, a representative of the applicant, came forward in opposition to the deferral. He stated that much work had been done to exceed the standards and to provide the best possible alternatives to conventional development. Mr. Sowers asked the Planning Commission to hear the case.

Mr. Omarh Rajah, representative for the School Board, Matoaca District, Ms. Norma Zakal, and Mr. Forrest Clapp, all came forward and stated they were in support of the deferral request.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Bass gave a brief history of the case. He stated that he felt the deferral was necessary due to many factors including, new Planning Commission, Board of Supervisors and School Board members. Mr. Bass stated that he felt additional time was needed and that he hoped for the support to the deferral from his fellow Commissioners.

Mr. Bass made a motion to defer Case 07SN0223 to the May 20, 2008, Planning Commission public hearing. Due to lack of a second to the motion, the motion failed and the case was placed with those items to be discussed.

08SN0106: (Amended) In Midlothian Magisterial District, **HAMID M. GHORASHI AND DIANNA M. WATERS** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendments will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area uses. This request lies on 1.3 acres fronting approximately 80 feet on the north line of Midlothian Turnpike approximately 360 feet west of Village Mill Drive. Tax ID 727-708-7371.

Mr. Turner indicated that Mr. Waller requested that the Commission defer this request to the April meeting.

Mr. Hamid Ghorashi, one of the applicants, came forward and agreed to the deferral request.

Mr. Gulley opened the discussion for public comment.

Ms. Amy Satterfield, a representative of the Midlothian Volunteer Coalition, came forward in support of the deferral.

There being no one else to speak, Mr. Gulley closed the public comment.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 08SN0106, to the April 15, 2008, Planning Commission public meeting.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0182: In Matoaca Magisterial District **DOGWOOD PARTNERSHIP LLC** requested amendment to rezoning (Case 99SN0227) and amendment of zoning district map to permit Community Business (C-3) uses and to delete the conceptual plan. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Community Business (C-3) District on 3.9 acres

fronting approximately 490 feet on the north line on the north line of Hull Street Road approximately 60 feet east of Cosby Road. Tax ID 717-671-5331.

Mr. Turner indicated that Mr. Bass was requesting that the Commission defer this case to the May meeting.

Ms. Carrie Coyner, the applicant's representative, did not accept the request for deferral by Mr. Bass, noting that it was a good case, a good business and asked the Planning Commission to hear the case.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 08SN0182, to the May 20, 2008, Planning Commission public meeting.

AYES: Messrs. Gulley, Bass, Hassen, and Brown.

NAY: Mr. Waller.

XI. COMPREHENSIVE PLAN AND CODE AMENDMENTS.

PROPOSED AMENDMENT TO THE UPPER SWIFT CREEK PLAN AMENDMENT RELATIVE TO

(1) An amendment to the adopted Upper Swift Creek Plan amendment, part of The Plan For Chesterfield, relating to water quality, levels of service (roads, schools and public safety), land use, and economic development and (2) an ordinance to amend §19-238 of the Code of Chesterfield, 1997, as amended, relating to the acceptable phosphorous load in stormwater runoff for any new use or development.

Comprehensive Plan Amendment

The Upper Swift Creek Plan amendment area is generally bounded to the north by properties along Midlothian Turnpike, County Line Road, Mount Hermon Road, Old Hundred Road, Otterdale Road, Charter Colony Parkway, Route 288 and Lucks Lane; to the south by properties along Hull Street Road, Baldwin Creek Road, Beach Road, West Hensley Road, Spring Run Road and Bailey Bridge Road; to the east by properties along Route 288; and to the west by properties along Moseley Road, Genito Road and the Chesterfield County/Powhatan County boundary. This amendment to the Upper Swift Creek Plan amendment, if adopted by the Board of Supervisors, will become part of The Plan for Chesterfield, the County's comprehensive plan. The Plan for Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. The majority of the Plan area is contained within the Matoaca Magisterial District, with small portions of the Plan area located in the Clover Hill and Midlothian Magisterial Districts. The Plan does not rezone land, but suggests Ordinance amendments and other actions. This amendment to the Upper Swift Creek Plan amendment is an update and a refinement of the current adopted Upper Swift Creek Plan amendment. Recommendations for areas currently designated for Residential (2.0 or less dwelling units per acre) are as follows: denial of rezoning if it does not adequately mitigate its impact on infrastructure and public facilities; permitting mixed use communities designed to encourage integration of residential, commercial, public and semi-public uses, subject to conditions that promote neighborhood viability; and permitting additional uses that enhance or expand the county's economic base, subject to conditions that mitigate the impacts of such uses on surrounding residential neighborhoods.

Recommendations relating to level of service standards for roads and schools are as follows:

All rezoning applications are expected to pass a test for Adequate Road Facilities. A proposed rezoning does not pass the test for Adequate Road Facilities if the nearest major road and/or existing signalized intersection that will carry the majority of the traffic expected to be generated by the future development on the property proposed to be rezoned will have a Level of Service ("LOS") of "E" or "F". The LOS shall be determined by the Chesterfield Department of Transportation or designee based on current traffic studies and other reliable traffic data. Further, a proposed rezoning will pass the test for Adequate Road Facilities only if roads to be impacted by the proposed development have adequate shoulders, or where roads with inadequate shoulders are carrying, or are projected to carry, less than 4,000 vehicles per day.

School Goal: Provide adequate facilities to relieve overcrowding and to respond to new growth.
Recommendation:

a. All residential rezoning applications are expected to pass the test for Adequate School Facilities. A proposed residential rezoning will pass the test for Adequate School Facilities if all public elementary, middle and high schools that would serve the future development on the property proposed for residential rezoning currently have adequate capacity to accommodate additional students to be generated by the proposed rezoning. Schools shall be responsible for determining 1) the current enrollment for each school; 2) the capacity of each school; and 3) the anticipated impact of the proposed development based on the maximum number and type of residential dwelling units or lots, including proffers for limited or delayed development.

b. If any of the applicable public schools which would serve the future residential development on the subject property exceed 120% of capacity at the time of the review of the subject rezoning request, the proposed rezoning does not pass the test for Adequate School Facilities. In addition, the proposed rezoning will not pass the test for Adequate School Facilities if the anticipated enrollment at any school to serve the subject rezoning will exceed 120% of capacity upon the development of 1) the property proposed for rezoning; and 2) all unimproved residential lots in the service area shown on approved preliminary site plans, preliminary subdivision plans and construction plans.

c. When the capacity of any public school in the service area is determined to exceed 120% under the conditions described above, and where such school is expected to be improved to less than 120% of capacity within one year of the date that the Board of Supervisors is scheduled to consider the subject rezoning request, the residential rezoning will pass the test for Adequate School Facilities.

Recommendations with respect to water quality include: encouraging measures to ensure new development and the activities of both residential and commercial uses reduce their impacts on natural systems; requiring a natural resource inventory which identifies resources that may be adversely affected by development; developing regulations to permanently protect natural resources, that minimize land disturbance during construction and that preserve existing vegetation; developing site design standards and practices that minimize land disturbance and impervious cover, and preserve existing vegetation; promoting pollution prevention practices, source control measures and reduction of impervious areas; adopting amendments to promote low impact development planning and practices and promoting retrofits for existing stormwater pollutants loads.

Associated Ordinance Amendment: In addition, the Planning Commission will consider an ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-238 of the Zoning Ordinance relating to water quality in the Upper Swift Creek Watershed. Specifically, this amendment would require that the post-development total phosphorus load for all land uses within the watershed, except agricultural practices, shall not exceed 0.16 pounds per acre per year.

Mr. Gulley gave an overview of the history of the Upper Swift Creek Plan amendment. He provided a brief overview of the Upper Swift Creek Plan amendment process since July of 2007. He noted that the Board of Supervisors had initiated the amendment to the Upper Swift Creek Plan amendment under review at this public hearing. He stated that the Planning Commission had initiated another amendment to the Upper Swift Creek Plan amendment. He said that public participation would be an important part of the Plan amendment process, with citizens having opportunity to comment on the amendment and review the recommendations.

Mr. Turner gave an update. He stated that the Board initiated Plan amendment is scheduled for a Planning Commission public hearing in May. He said that staff had yet to develop substantive initiatives to present to the Commission.

Mr. Gulley opened the discussion for public comment.

Ms. Brenda Stewart came forward and spoke in opposition to the proposal. She expressed concern about establishing levels of service standards, which she felt would hurt property owners who want to sell or develop their property.

Ms. Carrie Coyner came forward to speak in opposition to the proposal. She expressed concern that citizens have not been kept informed about the proposed amendments to the Plan. She said that information about the proposed ordinance limiting phosphorous has not been widely advertized or disseminated to the public.

Mr. Harley Joseph, Joseph Cox & Associates, came forward to ask the Planning Commission to defer and not take action at that time. He said that the proposed ordinance limiting phosphorous comprised one more patchwork solution and was uncertain that it could work.

Ms. Norma Zakal came forward to speak in opposition and asked the Planning Commission to defer as long as necessary to ensure a good Plan. She said that the Plan amendment process needed more disclosure and more citizen input. She noted that the Plan needed to protect water resources.

Mr. Will Shewmake came forward and expressed gratitude to the Planning Commission for taking the time to explain and supported deferring until ready.

Mr. Dick Guthry came forward and acknowledged the work put into the Upper Swift Creek Plan amendment however, he felt it wasn't ready. He said that more work needs to be done before the Plan amendment is adopted.

Mr. Dave Anderson came forward and stated that he didn't feel the Plan was ready. He said that the proposed ordinance limiting phosphorous will discourage commercial development and encourage sprawl.

He expressed concern that there has not been any peer review of the county's water quality consultant's work.

Ms. Betty Clapp came forward and stated that there should continue to be improvements made. She emphasized the importance of protecting water resources.

Mr. Gulley stated that the Planning Commission and the Board of Supervisors are working hand-in-hand to address this Plan amendment.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to not take action on the *Amendment to the Upper Swift Creek Plan Amendment*.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer the Associated Ordinance Amendment to the May 20, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XII. REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.

05SN0310: In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. Brennen Keene, the applicant's representative, stated that the request had been on the docket for over two (2) years and the applicant had satisfied the connectivity policy.

Ms. Dottie Dodd, Ms. Louise Atkins, Mr. Robert Dodd, and Mr. Kent Pond, area property owner's, came forward and expressed concerns regarding the traffic impact on neighborhood streets as a result of this development.

Mr. Keene stated that while he was sensitive to the issues brought forth, he felt the traffic impact would be minimal and therefore, asked for approval of the request.

There being no one else to speak, Mr. Gulley closed the public comment.

Dr. Brown acknowledged the concerns and stated he felt there would be a minimal impact in regards to the traffic.

Mr. Bass stated his concerns relative to the traffic problems that currently exist in the area and stated that he could not support the request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 05SN0310, and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 780-670-6772, 780-671-8852, 780-671-2751, and 780-671-1301 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement, dated February 1, 2006 and revised through February 12, 2008, and Exhibit A, titled "Plat of Two Parcels of Land Containing 73.8 Acres Situated on Kingsland Road" prepared by Townes Site Engineering dated October 15, 2004 and revised April 25, 2005, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for model homes/sales offices not in permanent dwellings and/or construction offices. (U)
3. Cash Proffers. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the Property:
 - A. \$15,600 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations.
 - B. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

4. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

5. Lot Area. A minimum of 12,000 square feet of each lot shall be exclusive of easements in excess of fifty (50) feet in width. Such required lot area shall be contiguous to and inclusive of the building envelope and located adjacent to the required street frontage. (P)
6. Dwelling Units. The minimum gross floor area for one story dwelling units shall be 1,700 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1,800 square feet. (BI)
7. Density. The maximum number of dwelling units developed on the Property shall be one-hundred fifteen (115).(P)
8. Foundations. All exposed portions of the foundation and piers supporting front porches of each dwelling unit shall be faced with poured in place concrete patterned and painted to simulate a veneer of brick or stone, Exterior Finish Insulation System (EFIS), stucco, or brick or stone veneer. (BI)
9. Dedication of Right-of-Way. In conjunction with the recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, the following right-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - A. Forty-five (45) feet of right-of-way on the south side of Kingsland Road immediately adjacent to the Property measured from a revised centerline of Kingsland Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department. (T)
10. Vehicular Access. No direct vehicular access shall be provided from the Property to Kingsland Road, except for:
 - A. One (1) driveway to serve one (1) residence on Parcel 1, as identified on Exhibit A.
 - B. One (1) temporary construction entrance/exit, if approved by the Virginia Department of Transportation. (T)
11. Sole Access. Any lot having sole access through an adjacent subdivision shall meet the following requirements:
 - A. Lots having sole access through Kingsland Woods subdivision shall have an average lot area of no less than 18,074 square feet and a maximum density of 2.41 dwelling units per acre.
 - B. Lots having sole access through Ashton Woods North subdivision shall have an average lot area of no less than 13, 404 square feet and a maximum density of 3.25 dwelling units per acre.
 - C. Lots having sole access through Treemont subdivision shall have an average lot area of 15,056 square feet and a maximum density of 2.88 dwelling units per acre. (P)

12. Road Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall provide the following improvements with initial development of the Property:

- A. Widening/improving the south side of Kingsland Road to an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of Kingsland Road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire frontage of Parcel 2 as identified on Exhibit A.
- B. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

13. Restrictive Covenants. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:

- A. No sign of any kind shall be displayed to public view on any lot, unless first approved in writing by developer, except one sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by the initial construction and sales period.
- B. No use shall be made of any lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other lots. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- C. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
- D. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently.
- E. No portable air condition units will be placed in any window of a dwelling or other building if visible from a public street.
- F. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as otherwise permitted by law.
- G. No motor vehicle will be parked on or adjacent to any lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the subdivision or on a lot except in a driveway provided for on such lot.

- H. These restrictions shall run with the land for a period of twenty-five (25) years and be binding upon any and all succeeding owners of any portion of the Property, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof. These conditions and restrictions may be enforced by any owner of any portion of the Property using any legal remedy available to that owner. (P)

AYES: Messrs. Gulley, Hassen, Brown and Waller.
NAY: Mr. Bass.

Recess at 8:48.

Reconvened at 8:59.

07SN0223: (Amended) In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 211 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,183.9 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Ms. Jane Peterson presented an overview of the request and staff's recommendation.

Mr. Dave Anderson, the applicant's representative, came forward and gave an overview of the history of the case and asked the Planning Commission for approval of the request.

Mr. Nathaniel Wooding, Jr., Mr. Hugh Woodle, Mr. Kevin McNulty, President of Lifestyle Builders, and Ms. Agnes Mathews, an area property owner, came forward to speak in support of the request.

Mr. Neils Naimon, a Senior at Midlothian High School, stated that he lived in Walton Park and spoke to his concerns relative to water quality, transportation and green sources for energy. Mr. Naimon stated that he was opposed to the request.

Ms. Amy Satterfield, Mr. Will Shewmake, Ms. Betty Clapp, and Ms. Pat Mason came forward in opposition of the request.

Mr. Scott Riley, a student at Midlothian High School, stated that he was an Eagle Scout and in opposition to the request citing problems such as how it would impact on the environment and the strain on infrastructure.

Mr. Dave Anderson, the applicant's representative, embraced the opportunity to educate those in opposition to the request.

There being no one else to speak, Mr. Gulley closed the public comment.

In response to a question by Mr. Bass, Mr. Anderson stated that there was a future plan to provide rail access near Hallsboro Road, but there were no proposals for road improvements in the area.

In response to a request by Mr. Bass, Mr. Anderson agreed to send area property owners a map showing the routing of the water line extension in the area.

Mr. Waller stated that while this is a complex case, the applicant had addressed concerns and he supported the request.

Mr. Hassen applauded Mr. Bass' work but stated that he was not of the opinion that the development would adversely impact water quality in the reservoir.

Mr. Gulley stated that he voted against the request last year because at that time the case was not ready. He noted that the subsequent amendments had insured a well planned environmentally sensitive development. He also recognized all of the work that Mr. Bass has put into the request.

On motion of Mr. Waller, seconded by Mr. Brown, the Commission resolved to recommend approval of Case 07SN0223, and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188; 714-703-7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548; 718-697-6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002; and 720-695-9506 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for rezoning to R-TH and C-3, with a conditional use planned development and a conditional use, are granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

Exhibit C – Plan titled "Proffered Roads Network," (the "Roads Network"), prepared by Roseland and last revised October 12, 2007.

Exhibit D – Plan titled "Access Plan" prepared by Timmons Group and last revised October 15, 2007.

1. Master Plan. The Textual Statement dated February 20, 2008, shall be considered the Master Plan. A separate conceptual development plan shall be submitted for each Tract containing a mixture of residential and non-residential uses. The conceptual development plan shall include those requirements of the Zoning Ordinance for schematic plans and shall replace the schematic plan process. In addition, the Planning Commission may impose conditions regulating the location of uses, transition of uses, compatibility of uses and additional guarantees to insure a traditional development consistent with the suggestions of the general conditions of the Textual Statement. If sufficient detail is provided through this process, as determined by the Director of Planning, individual conceptual development plans shall serve as the overall conceptual subdivision plan, master site plan, tentative subdivision plan, or site plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Maximum Transportation Density. The maximum density of the Property shall be 3,111 single-family dwelling units; 2,543 multi-family dwelling units (including townhouses, apartments, and condominiums); 428,000 square feet of retail uses; 769,382 square feet of office, two (2) 600-student elementary schools, a 480-room hotel; 20,000 square feet of community recreation center, and a 17-acre park, or equivalent densities as determined by the Transportation Department. (T)
4. Dedication. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, the following rights of way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact locations of these rights of way shall be approved by the Transportation Department but are generally shown on Exhibit C.
 - A. One hundred and twenty (120) feet through the Property for a north/south major arterial ("Woolridge Road Extended") from Route 288 to Old Hundred Road.
 - B. Ninety (90) feet through the Property for an east/west major arterial ("Roseland Avenue") from Old Hundred Road to Woolridge Road.
 - C. Forty-five (45) feet, measured from the centerline of Old Hundred Road immediately adjacent to the Property, along the entire Property frontage.
 - D. Sixty-five (65) feet, measured from the centerline of the existing right of way for Center Pointe Parkway immediately adjacent to the Property, for the entire Property frontage.
 - E. Ninety (90) feet from Woolridge Road Extended to the northern Property line for "Watkins Center Parkway Relocated." (T)
5. Access Plan. Direct vehicular access from the property to Woolridge Road, Roseland Avenue, Old Hundred Road, Otterdale Road, Hallsboro Road, and Center Pointe Parkway

shall conform to Exhibit D, unless approved otherwise by the Transportation Department.
(T)

6. On-Site Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements.
 - A. Construct Woolridge Road as a six (6) lane, divided facility, with innovative stormwater management facilities located in the median as approved by VDOT, designed to VDOT Urban Minor Arterial standards with a 50mph design speed, unless the developer, Transportation Department and VDOT mutually agree on alternative design standards that permit slower posted speeds that improve safety, from Route 288 to Old Hundred Road. At any time after four lanes of Woolridge Road have been constructed through the property the developer may submit a supplemental traffic study, acceptable to the Transportation Department, to demonstrate the additional two lanes are not required to achieve acceptable levels of service at the projected full build out of the property as defined in the accepted traffic study dated October 12, 2007. If the Transportation Department agrees the additional lanes are not required at the projected full build out of the property to provide acceptable levels of service, the developer shall be relieved of the requirement to construct the two additional lanes.
 - B. Construct two (2) lanes of Roseland Avenue to VDOT Urban Minor Arterial standards with a 40mph design speed, with any modifications approved by the Transportation Department, from Old Hundred Road to Woolridge Road,
 - C. Construct two (2) lanes of Watkins Center Parkway Relocated to VDOT Urban Minor Arterial standards with a 50mph design speed, with any modifications approved by the Transportation Department, from Woolridge Road Extended to the northern property line,
 - D. Construct two (2) lanes of Center Pointe Parkway Extended to VDOT Urban Minor Arterial standards with a 50mph design speed, with any modifications approved by the Transportation Department, from Old Hundred Road to the eastern property line, including realignment of the intersection of Center Pointe Parkway Extended with Old Hundred Road,
 - E. Widen/improve Old Hundred Road adjacent to the property to provide an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement, with additional one (1) foot wide paved shoulders and seven (7) foot wide graded shoulders and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department,
 - F. Construct adequate left and right turn lanes along Woolridge Road Extended, Roseland Avenue, Watkins Center Parkway Relocated, Old Hundred Road, and Hallsboro Road at each approved access and intersection, based on

Transportation Department standards, and as identified in the accepted traffic impact study.

G Provide the full cost of traffic signalization and construct intersection improvements, including adequate storage and receiving lanes as determined by the Transportation Department, and as identified in the accepted traffic impact study at:

- i. Woolridge Road Extended and Watkins Center Parkway Relocated.
- ii. Woolridge Road Extended and Roseland Avenue.
- iii. Woolridge Road Extended and Old Hundred Road.
- iv. Roseland Avenue and Old Hundred Road.

H. Dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. (T)

7. Phasing Plan. Prior to any site plan or construction plan approval, whichever occurs first, a phasing plan for the improvements identified above, with supporting traffic analysis acceptable to the Transportation Department, shall be submitted to and approved by the Transportation Department. (T)

8. Utilities.

A. Public water and wastewater systems shall be used, except for sales facilities and/or construction offices.

B. The required Overall Water/Wastewater Systems Plan for the development, accompanied by a Utilities Infrastructure Phasing Plan, shall be submitted to the Utilities Department prior to the final approval of the first tentative subdivision, site, or construction plan for the request site. The overall plan shall be prepared in accordance with the requirements as outlined in Appendix 12 of the Chesterfield County Water and Sewer Specifications and Procedures Manual. Phasing of improvements shall be included in Overall Water/Wastewater Systems Plan.

C. The Developer shall be responsible for providing a minimum two (2) acre site at a ground elevation of 270 feet or higher, acceptable to Chesterfield County Utilities Department, for the purpose of constructing a water tank ("Water Tank Site"). The Developer shall be responsible for all costs of acquisition, right-of-way/easements, appropriate water line extensions to the Water Tank Site, and documents relating to the Water Tank Site acquisition. The Developer shall convey the Water Tank Site to Chesterfield County prior to the release of more than 1,000 building permits that require utility connection fees.

D. The Developer shall pay a contribution fee equivalent to the cost of a water tank based on the tank size necessary to meet the water storage

requirements for the development prior to the release of more than 2,000 building permits that require utility connection fees.

9. Density.

- A. The maximum number of principal dwelling units developed on the Property shall be 5140. Single family independent dwelling units that are internal to any age-restricted facility, including continuing care retirement communities and active adult communities, shall be considered a principal dwelling unit and shall count toward the overall density.
- B. The maximum number of secondary dwelling units that are separate from the principal dwelling unit (second dwelling unit on a lot) shall be 400 (i.e.: Carriage Houses that qualify as a second dwelling unit on a lot).
- C. Of the total maximum, a maximum of 1247 principal dwelling units shall be permitted in North Hallsley and West Park.
- D. The minimum non-residential square footage within Roseland shall be 500,000 gross square feet. Of this total, a minimum non-residential square footage within North Park shall be 400,000 gross square feet. These minimums may be phased.
- E. Until construction has begun on a minimum of 40,000 gross square feet of non-residential uses in Old Town, no more than a cumulative total of 50 principal dwelling units shall be permitted in Old Town. Any multi-family residential dwelling units that are part of a mixed-use building (i.e., office or retail as ground floor uses) shall not count toward the 50 principal dwelling unit restriction. (P)

10. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (B&M)

11. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition on age-restriction shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)

12. A. Stormwater Management. Low impact development ("LID") stormwater management techniques, recognized by Environmental Engineering, shall be used in all Districts of the Property and included in the calculations of the post-development phosphorous loads. (EE)

- B. The Developer acknowledges that if the water quality of the Swift Creek Reservoir has reached a median level that exceeds .04 mg/l in-lake phosphorus or otherwise degrades to an unacceptable level, that the Director of Environmental Engineering

may recommend that the County adopt phosphorus loading standards that are more restrictive than the standards applicable as of October 10, 2007. To mitigate the impact of this development on the water quality of the Swift Creek Reservoir and the Upper Swift Creek Watershed, and consistent with the County's duty to exercise its police powers to protect the County's water supply, the Developer and his assignees agree that the phosphorus loading standards of the Zoning Ordinance applicable to any undeveloped portion of the Property shall be those standards that are in effect at the time of subdivision or site plan approval for any residential uses. This condition shall not apply to residential uses located within the same structure as commercial uses. All substantially approvable construction plans in the Department of Environmental Engineering that have complied with the submittal criteria for review shall not be effected. (EE)

13. Cash Proffers. The Developer, subdivider, or assignee(s) agrees to pay the following to the County of Chesterfield or provide the specific public facilities and/or improvements set forth below. If any payment is made between July 1, 2006, and July 1 of the fiscal year in which the payment is made, if paid after June 30, 2007, such payment shall be the amount approved by the Board of Supervisors for each specific amount per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index. As the development of the Property is anticipated to take 10-20 years, it is difficult to precisely identify the detailed public facility needs of the County for this area at this time. Despite this limitation, the Developer has anticipated the need to directly assist the County and provide for an elementary school, parks, a fire station, and a library at some point during the development of the Property. In order to provide to Chesterfield County the best possible location(s), at the best possible cost, and delivery of these facilities in a timely manner that will best benefit Chesterfield County and its citizens who will utilize these facilities, the Developer is willing to provide the funds for and construction of these public facilities at a time and location mutually agreed to by the Developer and Chesterfield County or Chesterfield County Public Schools (as the case may be) as outlined below. The selection of the appropriate timing and location of the Alternatives (as set forth below) for each public facility shall be based on the actual need for the specific public facility and not by any arbitrary date.

A. Schools. The Developer shall be responsible for one of the following alternatives as agreed to by Chesterfield County Public Schools. The selection of the Alternatives shall be based upon mutual agreement between the Developer, Chesterfield County, and the Chesterfield County Public Schools.

- i. Alternative S.1. The Developer shall pay \$5,331 per dwelling unit if paid prior to July 1, 2007. Provided, however, if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$0.00 per unit. Alternative S.1. shall be the default alternative unless Alternative S.2. is selected as described below.

ii. Alternative S.2.

- (a) If upon mutual agreement of the Developer, Public Schools, and Chesterfield County in lieu of cash proffers, Developer shall:
 - (i) Design and construct a multi-story neighborhood style elementary school ("Elementary School") to meet a programming capacity of 775 students. The Elementary School shall be located generally east of Site Road A (Woolridge Road) or another site within the Property mutually agreeable to the Chesterfield County Public Schools and the Developer. The design of the Elementary School shall be coordinated between the Developer and Chesterfield County Public Schools to ensure the conformance to programming needs and building quality standards of Chesterfield County Public Schools (as defined by the materials and systems, but not architectural design, equal to or greater than the Chesterfield County Public Schools' latest elementary school) and the architectural and site design criteria of the Developer. Upon completion of the Elementary School, the school and its associated property shall be dedicated, free and unrestricted, to Chesterfield County.
 - (ii) Reservation of an additional site ("Reserved Area") located generally west of Otterdale Road or another site within the Property mutually agreeable to the Chesterfield County Public Schools and the Developer. This acreage shall be used for the sole purposes of constructing an additional elementary school designed and constructed similarly to the Elementary School described above. The reservation of the Reserved Area shall be for a period that is ten (10) years and one (1) day after completion of Proffered Condition 13.A.ii (a)(i) [dedication of the Elementary School] (the "Reservation Term"). If no Elementary School has been constructed within the Reserved Area during the Reservation Term, at any time following the Reservation Term, the Developer may make a written request to the School Board for a determination as to whether the Reserved Area will be used for a

public educational purpose. Within sixty (60) days of the Developer's written request, the School Board shall inform the Developer, in writing, of its determination. If the School Board determines that it has no plans to use the Reserved Area for said purpose within ten (10) years of the School Board's determination ("Extension Period"), the Reserved Area shall be conveyed back to the Developer, free and unrestricted, and the Developer shall have no further obligation to reserve or restrict the Reserved Area. If at the end of the Extension Period no site plan has been approved for construction of a school on the Reserved Area, the Reserved Area shall be conveyed back to the Developer, free and unrestricted, and the Developer shall have no further obligation to reserve or restrict the Reserved Area. During the Reservation Term and the Extension Period, but before any actual construction occurs on the Reserved Area, the Developer may develop the Property adjacent to the Reserved Area provided all structures (except those structures permitted in the rear yard setback under the applicable section of the Zoning Ordinance) shall be set back at least one hundred (100) feet from the boundary of the area designated as the Reserved Area. At any time during the Reservation Term but prior to any construction of an additional elementary school, the Reserved Area shall be dedicated, free and unrestricted, to Chesterfield County, within one hundred and eighty (180) days from a written request by the Chesterfield County Public Schools. If an additional elementary school is constructed in the Reserved Area, the Developer shall not be responsible for design and construction of the additional elementary school, but shall review the external architectural elements of the school for compatibility any prior to its construction. The school should be similar to and compatible with any existing public school located within the Property. Compatibility may be achieved with the use of similar building massing, materials, scale, colors and other architectural features. If the Reserved Area is dedicated to Chesterfield County during the Reservation Term and an

additional elementary school is not constructed prior to the end of the Reservation Term, then upon a written request from the Developer, the County or the then owner of the Reserved Area shall execute and deliver a special warrantee deed conveying title to the Reserved Area to the Developer.

- (b) Until such time as Alternative S.2. is chosen or rejected, the Developer shall, at the time of each building permit, deposit into an escrow account acceptable to Chesterfield County, \$5,331 per dwelling unit (excluding any senior housing units). The escrow account shall be subject to an escrow agreement with the appropriate parties (such as the escrow agent and any contractors), the Developer, and Chesterfield County. All contributions shall be held in escrow until written confirmation has been received by the Developer from Chesterfield County that the construction contract for the Elementary School has been executed, after which, the escrow funds shall be released to the Developer. If Alternative S.2. is rejected by the Chesterfield County School Board and written confirmation of the rejection from the School Board has been received by the Developer then all funds held in escrow for the schools (or an amount equivalent to the schools portion of the cash proffer for each building permit released prior to the choice of Alternative S.1. or S.2.) shall be released to Chesterfield County.

- iii. Accelerated Construction of School Improvements. If the Chesterfield Board of Supervisors approves alternative funding sources for the construction of public improvements described in Alternative S.2., including but not limited to, a Community Development Authority (CDA), the Developer shall enter into an agreement with Chesterfield County to commence design of the Elementary School within twenty-four (24) months of availability of the proceeds or by request from Chesterfield County Public Schools to begin design of the Elementary School, whichever is later. (B&M&S)

B. Parks and Recreation. The Developer shall be responsible for one of the following alternatives as agreed to by Chesterfield County. The selection of the Alternatives shall be based upon mutual agreement between the Developer and the Chesterfield County.

- i. Alternative P.1. The Developer shall pay \$602 per dwelling unit if paid prior to July 1, 2007. Alternative P.1. shall be the default alternative unless Alternative P.2. is selected as described below.

ii. Alternative P.2.

- (a) If upon mutual agreement of the Developer and Chesterfield County, in lieu of cash proffers, the Developer shall build a park ("Roseland Park") that is publicly accessible. Roseland Park shall include following components.

(i) Garden Park.

- (1) The Garden Park shall consist of a minimum of twenty (20) acres located at the northwest intersection of Site Road A (Woolridge Road) and Site Road B (Roseland Avenue) or another site within the Property mutually agreeable to the Chesterfield County and the Developer. The Garden Park shall be built as an actively landscaped garden such as, but not limited to, English Garden, Japanese Garden, Rose Garden, and/or Herb Garden.
- (2) The Garden Park shall have hours of operation and gates for limiting vehicular access when the park is closed.
- (3) The Garden Park shall connect to the trail system of Roseland.

(ii) Roseland Greenway.

- (1) The Roseland Greenway shall consist of a minimum of forty (40) acres of connected greenway system along Tomahawk Creek. The Roseland Greenway shall generally run along Site Road A and south of Site Road B or another site within the Property mutually agreeable to the Chesterfield County and the Developer provided it is along Tomahawk Creek.
- (2) The Roseland Greenway shall connect to the trail system of Roseland.

- (iii) Active Recreational Areas.
 - (1) Two (2) play areas that can be used as soccer fields.
 - (2) Two (2) little-league sized baseball fields (which may include any field that is adjacent to the Elementary School).

(b) Until such time as Alternative P.2. is chosen or rejected, then the Developer shall, at the time of each building permit, deposit into an escrow account acceptable to Chesterfield County, \$602 per dwelling unit. The escrow account shall be subject to an escrow agreement with the appropriate parties (such as the escrow agent and any contractors), the Developer, and Chesterfield County. All contributions shall be held in escrow until written confirmation by the Developer has been received from Chesterfield County that the construction contract for Roseland Park is has been executed, after which, the escrow funds shall be released to the Developer. If Alternative P.2. is rejected by Chesterfield County and written confirmation of the rejection from the County has been received by the Developer then all funds held in escrow for the parks (or an amount equivalent to the parks portion of the cash proffer for each building permit released prior to the choice of Alternative P.1. or P.2.) shall be released to Chesterfield County.

iii. Accelerated Construction of Park Improvements. If the Chesterfield Board of Supervisors approves alternative funding sources, including but not limited to, a Community Development Authority (CDA), for the construction of public improvements described in Alternative P.2., then the Developer shall enter into an agreement with Chesterfield County to commence design of Roseland Park within twenty-four (24) months of the availability of the proceeds. (B&M&PR)

C. Fire/EMS. The Developer shall be responsible for one of the following alternatives as agreed to by Chesterfield County. The selection of the Alternatives shall be based upon mutual agreement between the Developer and the Chesterfield County.

i. Alternative F.1. The Developer shall pay \$404 per dwelling unit if paid prior to July 1, 2007. Alternative F.1. shall be the default alternative unless Alternative F.2. is selected as described below.

ii. Alternative F.2.

- (a) If upon mutual agreement of the Developer and Chesterfield County, in lieu of cash proffers, the Developer shall design and build a Fire/EMS station ("Fire Station") within the Property at a site mutually agreeable to the Chesterfield County and the Developer. The Fire Station may be designed to include space for a police satellite office. The design of the Fire Station shall be coordinated between the Developer and Chesterfield County to ensure the conformance to programming needs of Chesterfield County Fire Department (as defined by the materials and systems, but not architectural design, equal to or greater than the Chesterfield County's latest fire station) and the architectural and site design criteria of the Developer. Upon completion of the Fire Station, the Fire Station and its associated property shall be dedicated, free and unrestricted, to Chesterfield County.
 - (b) At the time of construction of the Fire Station, the Developer shall provide funding to purchase a fire truck. The fire truck shall meet the current standards of the Chesterfield County Fire and EMS, provided that the total cost to the Developer shall not exceed \$500,000.
 - (c) Until such time as Alternative F.2. is chosen or rejected, then the Developer shall, at the time of each building permit, deposit into an escrow account acceptable to Chesterfield County, \$404 per dwelling unit. The escrow account shall be subject to an escrow agreement with the appropriate parties (such as the escrow agent and any contractors), the Developer, and Chesterfield County. All contributions shall be held in escrow until written confirmation has been received by the Developer from Chesterfield County that the construction contract for the Fire Station has been executed, after which, the escrow funds shall be released to the Developer. If Alternative F.2. is rejected by Chesterfield County and written confirmation of the rejection from the County has been received by the Developer then all funds held in escrow for Fire/EMS (or an amount equivalent to the Fire/EMS portion of the cash proffer for each building permit released prior to the choice of Alternative F.1. or F.2.) shall be released to Chesterfield County.
- iii. Accelerated Construction of Fire Station Improvements. If the Chesterfield Board of Supervisors approves alternative funding sources, including but not limited to, a Community Development

Authority (CDA), for the construction of public improvements described in Alternative F.2., then the Developer shall enter into an agreement with Chesterfield County to commence design of the Fire Station within twenty-four (24) months of approval the availability of the proceeds or by request from Chesterfield County to begin design of the Fire Station, whichever is later. (B&M&F)

D. Libraries. The Developer shall be responsible for one of the following alternatives as agreed to by Chesterfield County. The selection of the Alternatives shall be based upon mutual agreement between the Developer and the Chesterfield County.

i. Alternative L.1. The Developer shall pay \$348 per dwelling unit if paid prior to July 1, 2007. Alternative L.1. shall be the default alternative unless Alternative L.2. is selected as described below.

ii. Alternative L.2.

(a) If upon mutual agreement of the Developer and Chesterfield County, in lieu of cash proffers, the Developer shall design and build a library ("Library"). The Library shall be built as a community building with a minimum of 20,000 square feet of total space and building quality standards of Chesterfield County (as defined by the materials and systems, but not architectural design, equal to or greater than the Chesterfield County's latest library). The design of the Library shall be coordinated between the Developer and Chesterfield County to ensure the conformance to programming needs of Chesterfield County Libraries and the architectural and site design criteria of the Developer. Upon completion of the Library, the Library and its associated property shall be dedicated, free and unrestricted, to Chesterfield County.

(b) Until such time as Alternative L.2. is chosen or rejected, then the Developer shall, at the time of each building permit, deposit into an escrow account acceptable to Chesterfield County, \$348 per dwelling unit. The escrow account shall be subject to an escrow agreement with the appropriate parties (such as the escrow agent and any contractors), the Developer, and Chesterfield County. All contributions shall be held in escrow until written confirmation by the Developer has been received from Chesterfield County that the construction contract for the Library has been executed, after which, the escrow funds shall be released to the Developer. If Alternative L.2. is rejected by Chesterfield County and written confirmation of the rejection from the County has been received by the

Developer then all funds held in escrow for libraries (or an amount equivalent to the library portion of the cash proffer for each building permit released prior to the choice of Alternative L.1. or L.2.) shall be released to Chesterfield County.

- iii. Accelerated Construction of Library Improvements. If the Chesterfield Board of Supervisors approves alternative funding sources, including but not limited to, a Community Development Authority (CDA), for the construction of public improvements described in Alternative L.2., then the Developer shall enter into an agreement with Chesterfield County to commence design of the Library within twenty-four (24) months of approval the availability of the proceeds or by request from Chesterfield County to begin design of the Library, whichever is later. (B&M&L)

E. Transportation Contribution. The Developer shall pay to Chesterfield County prior to the issuance of each building permit the amount of \$8,915 per dwelling unit (the "Transportation Contribution"). The Transportation Contribution, if approved by the Transportation Department, may be used to construct the following off-site road improvements ("Off-Site Improvements") or as may be otherwise permitted by law:

- i. Reconstruction of Old Hundred Road from Route 60 to the Norfolk Southern Railroad tracks to VDOT Urban Minor Arterial standards with a 50mph design speed, with any modifications approved by the Transportation Department (estimated cost \$6,400,000).
- ii. Construction of two (2) additional (i.e. the third and fourth) lanes of Woolridge Road Extended to VDOT Urban Minor Arterial standards with a 50mph design speed, with any modifications approved by the Transportation Department, to provide a four-lane divided facility from Old Hundred Road to Watermill Parkway (estimated cost \$13, 800,000).
- iii. Construction of two (2) lanes of Powhite Parkway Extended to VDOT Rural Principal Arterial standards with a 60mph design speed with any modifications approved by the Transportation Department, from its current terminus at Watermill Parkway to Woolridge Road Extended (estimated cost \$5,600.000).
- iv. Reconstruction of the intersection of Watermill Parkway and Powhite Parkway Extended, including adequate storage and receiving lanes as determined by the Transportation Department (estimated cost \$1,000,000).

- v. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the Off-Site Improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement and the Transportation Department will present and support the request to the Board of Supervisors if the Transportation determines that the request is consistent with the Thoroughfare Plan. All reasonable costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County fails to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide what road improvements are possible within available right-of-way, as determined by the Transportation Department, and the Off-Site Improvements provided within available right-of-way shall be deemed to satisfy the requirement in the approved phasing plan.
 - F. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development, the amount paid either in cash proffers, or the Alternative construction improvements described in Proffered Conditions 13.A.ii. (a), 13.B.ii. (a), 13.C.ii. (a), 13.D.ii. (a), and 13.E. shall be in lieu of any impact fees, in a manner as determined by the county. (T & B&M)
14. Transportation Contribution Credit. At such time that any of the Off-Site Improvements described in Proffered Condition 13.E. above are completed by the Developer, as determined by the Transportation Department, the County shall grant the Developer a credit towards the Transportation Contribution and/or reimburse the Developer in an amount totaling the estimated cost of the improvement as identified above. Any reimbursements shall be subject to the appropriation of funds by the Board of Supervisors. (T)
15. Funding. To the extent any of the transportation improvements required in these Proffered Conditions are financed through a Community Development Authority or other funding mechanism approved by the Board of Supervisors and are constructed as described in these Proffered Conditions, the requirements for the specific transportation improvements that are the subject of the approved funding mechanism shall be deemed satisfied. (T)
16. Covenants. Prior to or in conjunction with the first tentative plat or site plan approval on the Property, the Developer shall prepare and record restrictive covenants (the "Roseland Charter") with respect to each portion of the Property. Such covenants shall provide for review of the architectural treatment of the buildings by an architectural control committee

(the "Roseland ARC"). Review by the ARC shall be required for all construction in Roseland and such review and approval shall be outlined in the Roseland Charter. (P)

AYES: Messrs. Gulley, Hassen, Brown and Waller.
NAY: Mr. Bass.

08SN0177: In Bermuda Magisterial District, **LOWE'S HOME CENTERS, INC.** requested amendment to Conditional Use Planned Development (Case 97SN0140) and amendment of zoning district map to permit continuous outside display. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway across from Weir Road. Tax IDs 798-652-4613, 7747 and 9127; 799-651-3794; and 799-652-0921.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial.

Mr. Burke Lewis, on behalf of Lowe's, stated he felt the request was in spirit of the Comprehensive Plan and asked the Planning Commission for approval of the request.

Mr. Rick Young, President of the Jefferson Davis Association, stated that he was in support of the request.

Mr. Hassen stated that the display area would be screened by landscaping.

Mr. Gulley agreed with Mr. Hassen.

There was no opposition present.

There being no one else to speak, Mr. Gulley closed the public comment.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0177, and acceptance of the following proffered condition:

PROFFERED CONDITION

The Owners and the Developer (the "Developer") in this zoning case amending previous case number 97SN0140, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Ordinance"), for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers 798-652-9127, 798-652-7747, 799-652-0921, 799-651-3794, and 798-652-4613 (the "Property") under consideration will be developed according to the following condition if, and only if, the request for amendment of the conditional use plan of development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffer and conditions shall immediately be null and void and of no further force or effect.

Continuous Outside Display: The attached plan prepared by Timmons Group, dated November 15, 2007 and revised February 5, 2008, titled "Lowe's Chester – Area of Continuous Outside Display" (the "Supplemental Plan") shall be considered a supplement to the Master Plan for the Property.

The area of the Property generally depicted on the Supplemental Plan as a grey hatched area to the north of the existing garden center, comprising approximately 4,314 square feet or approximately three percent (3%) of the gross floor area of the principal use, may be utilized for continuous outside display (the "Continuous Outside Display Area"), notwithstanding the requirements of the Ordinance. Continuous outside display or sale of sheds and utility trailers on the Property shall be restricted to the Continuous Outside Display Area. All areas of the Property actually utilized at any time for continuous outside display, including without limitation the Continuous Outside Display Area, shall not exceed the greater of (i) five percent (5%) of the gross floor area of the principal use, or (ii) the total area as permitted by the Ordinance. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

03SN0203: In Bermuda Magisterial District, **ROLLING RIDGE LLC** requested rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway. Tax IDs 797-661-5231 and 798-661-2276.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial.

Mr. Jim Theobald, the applicant's representative, asked the Planning Commission to compare the request to existing R-7 development and asked for approval of the request.

Ms. Janice Hoffman, and Mr. Jimmy Lawry, came forward and stated their concerns relevant to schools at overcapacity and the increase in traffic.

Mr. Rick Young came forward and stated that he commended Mr. Theobald and the process. He had concerns but he was in support of the request.

Mr Theobald spoke stating that a lot of time had gone into the request.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Hassen stated that he was not in position to support this case due to the lack of compatibility with surrounding adjacent residential homes.

On motion of Mr. Hassen, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 03SN0203.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to amend the By-Laws to allow consideration of cases after 11:00 p.m.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0241: In Dale Magisterial District, **ROWE ASSOCIATES LTD.** requested amendment to Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 1.0 acre fronting approximately 400 feet on the north line of Cogbill Road, also fronting approximately 150 feet on the west line of Ironstone Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 772-681-3493 and 4595; and 772-682-6002.

Mr. Robert Clay presented an overview of the request and staff's recommendation for denial noting that the applicants had failed to address the impacts on capital facilities consistent with the Board's policy.

Ms. Kristen Keatley, the applicant's representative, gave a brief history of the request and stated that she hoped for a favorable recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Brown, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0241.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0292: (Amended) In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested Conditional Use and amendment of zoning district map to permit residential multifamily use and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in Community Business (C-3) and General Business (C-5) Districts on 16.2 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway approximately 150 feet south of Velda Road. Tax IDs 794-665-8176 and 794-666-6515.

Ms. Darla Orr presented an overview of the request and staff's recommendation for denial.

Ms. Carrie Coyner, the applicant's representative, stated the history of the property that the request is located on and that this proposal represents an opportunity for revitalization. Ms. Coyner gave a presentation listing the benefits of approval of the request.

Ms. Dee Hart, with the Jefferson Davis Association, came forward in support.

Mr. Hassen stated the he was not in a position to support the case since the applicant had failed to guarantee a mixed use project and address the impacts on capital facilities. He stated even revitalization projects have an impact on roads and schools. Mr. Waller stated the Commission should be consistent

when applying the cash proffer policy with respect to revitalization. He stated the frontage should be reserved for commercial development.

On motion of Mr. Hassen, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0292.

AYES: Messrs. Gulley, Bass, Hassen, and Brown.
NAY: Mr. Waller.

07SN0333: In Midlothian Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested rezoning and amendment of zoning district map from Residential (R-7), Neighborhood Business (C-2), Community Business (C-3), Regional Business (C-4) and General Business (C-5) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 83 acres located in the southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also fronting on the north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668 and 8227; 764-706-3159-00001 and 00002 and 8861-00001 and 00002; 764-707-6112-00001 and 00002; 765-704-2693; 765-705-4651, 5781, 7651 and 7962; 765-706-1010-00001 and 00002, 4170, 6964, 8068 and 8842; and 765-707-6600.

Ms. Darla Orr presented an overview of the request and staff's recommendation for approval.

Mr. Tom Jacobson, representative for the Board of Supervisors, stated the intent to revitalize the area through redevelopment. He also referenced the quality of the developer that has agreed to joint venture this redevelopment effort.

Mr. John Easter, representative for Crossland, the developer referenced the tax revenue and that it could prove to be a catalyst for other investments in the area.

Mr. James Downs, Vice President for Crosland, presented the company history.

Mr. Jay Laffer, with the Chesterfield Business Council, Ms. Toni Rice, Vice President for Strategic Planning HCA Hospitals, Mr. John Huges, Chairman for Economic Development Authority, stated their support to the request.

Mr. Gulley commended the work of Messrs. Gecker and Mr. Waller to bring the case forward in a posture which he could support.

Mr. Waller thanked the Commissioners for the time they individually spent on this case.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0333 subject to the following condition:

CONDITION

The Textual Statement dated September 27, 2007, shall be considered the Master Plan. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XII. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.

There were no citizens' comments on unscheduled matters at this time.

XIII. RESOLUTION RECOGNIZING MS. LINDA N. LEWIS FOR HER SERVICE AS DEPUTY CLERK TO THE PLANNING COMMISSION

Mr. Turner stated that Ms. Linda Lewis had recently retired after serving as Clerk to the Planning Commission for many years. He requested that the Commission adopt a resolution recognizing her for her years of service

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission adopted the following resolution:

WHEREAS, the Planning Department provides professional support and communication to the Planning Commission through the guidance and regulation of Chesterfield County's long and short term development including an oversight of the County's long range comprehensive planning process, as well as efficiently and effectively guiding construction for the benefit of present and future generations; and

WHEREAS, Ms. Linda Lewis has provided more than 19 years of meritorious service to Chesterfield County, including her meticulous and dedicated service as Deputy Clerk to the Planning Commission; and

WHEREAS, prior to her appointment as clerk, **Ms. Lewis** provided impeccable service as an Administrative Assistant in the Planning Department and as Deputy Clerk to the Board of Supervisors; and

WHEREAS, as a result of her exemplary service, outstanding leadership ability, managerial skills and vast technical knowledge, **Ms. Lewis** was selected the Planning Department's Employee of the year in 2001; and

WHEREAS, Ms. Lewis was solely responsible for the development and distribution of numerous informative documents such as agendas and work programs provided by the department to assist both the citizens and employees of Chesterfield County; and

WHEREAS, as a result of her interpersonal skills to build effective teamwork and cohesion among peers **Ms. Lewis** is a two time recipient of the "Team Spirit Award"; and

WHEREAS, Ms. Lewis has been an active and devoted member of the Virginia Municipals Clerk Association for over 20 years; and

WHEREAS, during her tenure **Ms. Lewis** has trained, assisted and provided support to co-workers in order to maintain efficiency and effectiveness of section operations; and

WHEREAS, Ms. Lewis has provided an invaluable service to each member of the Planning Commission, her hard work, dedication and commitment to excellence will be sorely missed by the Planning Commission, the Planning Department and many others, as she retires from the County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Planning Commission, this 18th day of March 2008, publicly recognizes **Ms. Linda Lewis** for her outstanding service as Deputy Clerk to the Planning Commission and extends best wishes in her new endeavors.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to **Ms. Lewis** and that this resolution be permanently recorded among the papers of this Planning Commission of Chesterfield County, Virginia.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XIV. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Mr. Bass, that the meeting adjourned at 12:38 a. m. to April 15, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

Chairman/Date

Secretary/Date